

EPC COMMISSION MINUTES & AGENDA

MONTH FEBRUARY

YEAR 1989

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Minutes of the Environmental Protection Commission Meeting

February 20-21, 1989

Wallace State Office Building, Des Moines, Iowa

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FEBRUARY 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 1:30 p.m. on February 20-21 1989.

MEMBERS PRESENT

Gary Priebe, Nancy Lee Siebenmann, Robert Schlutz, Charlotte Mohr, Catherine Dunn, and Clark Yeager.

MEMBERS ABSENT

Donna Hammitt

ADOPTION OF AGENDA

The following items were added to the agenda:

Appointments (February 21):
John Sarcone - 9:00 a.m.
Farmer's Coop (Radcliffe) - 9:15 a.m.
Hardin County - 9:30 a.m.
Parr Manufacturing - 10:15 a.m.
City of Carson - 10:45 a.m.
City of Woolstock - 11:15 a.m.

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Nancy Lee Siebenmann to approve the minutes of January 23-24, 1989. Seconded by Catherine Dunn. Motion carried unanimously.

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to know, that in addition to the negatives, there are positives. He mentioned several examples of positives accomplished by the department including the purchase of 1700 acres of land in Van Buren county for a 600 acre lake; three successful Toxic Cleanup Days last fall; energy conservation improvements for 404 state buildings which saved over one million dollars in energy costs; 2,365 permits issued by the Environmental Protection Division this fiscal year to date; department mentioned in 583 press releases, mostly positive, since the beginning of the fiscal year; and the development of forest management plans on over 13,000 acres of private land in the state. Director Wilson stated that while there are shortcomings, failures, and stumbles, there are also many good, positive things that come out of this department and the Environmental Protection Division which this Commission is responsible for overseeing.

MONTHLY REPORTS

Joe Obr, Bureau Chief, Field and Emergency Response Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOHA DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 RULEMAKING STATUS REPORT
 FEBRUARY 1, 1989

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 23 - NSPS/NESHAPS	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89				
2. Ch. 60, 61 - Water Quality Standards	9/19/88	10/19/88	11/15/88	11/09/88 11/10/88 11/15/88 11/16/88				
3. Ch. 100, 103, 110 - Landfill Groundwater Monitoring	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89				
4. Ch. 133 - General Guidelines for Determining Clean-Up Actions and Responsible Parties	2/20/89	*3/22/89						
5. Ch. 136 - UST, Financial Responsibility	1/23/89	*2/22/89		3/16/89				

*Projected

MONTHLY VARIANCE REPORT

1/31/89

No. Facility	Program	Engineer	Subject	Decision	Date
1 IA Army Ammunition Plt	Air Quality		Explosives	approved	01/10/89
2 Lisbon, City of	Wastewater Const.	Shoemaker & Haaland	Sewer Grade	approved	01/11/89
3 Lisbon, City of	Wastewater Const.	Shoemaker & Haaland	Cleanouts	approved	01/11/89
4 Lisbon, City of	Wastewater Const.	Shoemaker & Haaland	Minimum Sewer Size	approved	01/11/89
5 Iowa DOT - Ames	Solid Waste	Wa. Buss, IA DOT	Permit Exceptions	approved	01/10/89
6 IA Mall.Iron-Fairfield	Solid Waste		Permit Exceptions	approved	01/20/89

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REPORTS OF HAZARDOUS CONDITIONS

During the period of January 1, 1989 through January 31, 1989, reports of 54 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
1/9/89 SIOUX	Sometime during the weekend of January 8 and 9, 1989, a site gauge broke on a 10,000 gallon tank located south of Highway 10 on the west end of Orange City, Iowa. About 5,400 gallons of 28% nitrogen fertilizer were spilled and flowed for several hundred feet.	Farmers Mutual Co-op Box 399 Alton, Iowa 51003	Approximately 2,300 gallons of the spilled product were recovered. About four tons of contaminated soil were removed. Ground corn cobs were spread over the area to absorb residual material. The corn cobs will be scraped up before the frost thaws, and the soil will be sampled for analysis.
1/13/89 CLINTON	A tank truck was being unloaded at 2200 Manufacturing Drive in Clinton, Iowa on January 13, 1989, when a gasket broke on a flange. About 1,500 gallons of diesel fuel spilled into a diked area.	Ralston Purina 2200 Manufacturing Drive, Clinton, Iowa 52732	Standing fuel was pumped into a new tanker truck. Contaminated soil was removed and taken to a landfill. Monitoring wells will be installed to determine if the groundwater is contaminated.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1988

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	47	20	8	19	25	0	14	3	0	5
Nov	55	27	9	19	35	3	12	1	0	4
Dec	44	21	3	20	29	0	9	1	1	4
Jan	54(54)	32(43)	6(4)	16(7)	32(45)	0(1)	10(5)	3(1)	3(0)	6(2)

Total # of Incidents Per
Field Office
This Period

01 02 03 04 05 06
6 7 5 4 17 15

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of January 1, 1989 through January 31, 1989, the following number of releases from underground storage tanks were identified.

E89Fe:

25 (17)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1988.

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Clinton Pallet Company, Inc. Clinton (6)	Air Quality Solid Waste	Open Burning Open Dumping	Order	1/12/89
Krause-Gentle Corp., Laurel (5)	Hazardous Condition	Remedial Action	Order/Penalty	1/12/89
Warin Oil Co., Shenandoah (4)	Underground Tank	Remedial Action	Order	1/12/89
Stuckey's 287 - Pecan Shop, Little Sioux (4)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	1/12/89
Ingham Lake Lutheran Camp, Milford (3)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	1/12/89
Bellevue Golf Club, Bellevue (1)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	1/12/89
Loyal Order of the Moose, Iowa Falls (2)	Drinking Water	Construction Without Permit	Order	1/12/89
Somers Water Works (3)	Drinking Water	Monitoring/Reporting - Other Inorganics	Order/Penalty	1/12/89
New Hampton Golf and Country Club, New Hampton (1)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	1/12/89
Bally Clough Inn, Dubuque (1)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	1/18/89
KAL Services, Inc., Pella (5)	Wastewater	Monitoring/Reporting	Order/Penalty	1/18/89
City of Ridgeway (1)	Wastewater	Monitoring/Reporting	Order/Penalty	1/18/89
City of Maxwell (5)	Wastewater	Monitoring/Reporting	Order/Penalty	1/18/89
Premium Standard Farms, Inc. Boone County (5)	Wastewater Air Quality	Construction Without Permit Construction Without Permit	Order/Penalty	1/18/89
McCabe's Supper Club, Burr Oak (1)	Drinking Water	Monitoring/Reporting - Bacteria & Nitrate	Referred to AG	1/24/89
Morris Hambly, d/b/a Dumont Auto Parts, Dumont (2)	Air Quality	Open Burning	Referred to AG	1/24/89
Vernon Kinsinger, Kalona (1)	Solid Waste Air Quality	Open Dumping Open Burning	Referred to AG	1/24/89

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dallas E. Robinson, Mason City (2)	Solid Waste	Open Dumping	Referred to AG	1/24/89
King's Terrace Mobile Home Court, Ames (5)	Drinking Water	Monitoring/Reporting - Bacteria & Radioactivity, Operational Violations	Order/Penalty	1/30/89
King's Terrace Mobile Home Court, Ames (5)	Wastewater	Monitoring/Reporting - Discharge Limits, Operational Violations	Order/Penalty	1/30/89
Mitchell Boars & Gilts, Madison County (5)	Wastewater	Prohibited Discharge, Construction Without Permit	Order/Penalty	1/30/89
City of Mondamin (4)	Drinking Water	Monitoring/Reporting - Bacteria	Order	1/30/89
Austin Rumley, Leon (5)	Flood Plain	Construction Without Permit	Order/Penalty	1/30/89
White House Supper Club, Saint Lucas (1)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	1/30/89
Tonja Mobile Home Park, Council Bluffs (4)	Drinking Water	Monitoring/Reporting - Other Inorganics	Order/Penalty	1/30/89
Truesdale Water Supply (3)	Drinking Water	Monitoring/Reporting - Radioactivity	Order/Penalty	1/30/89
City of Cherokee (3)	Wastewater	Permit Condition Violation - Certified Operator	Order/Penalty	1/30/89
Oxford Water Supply (6)	Drinking Water	Compliance Schedule	Order	1/30/89
City of Fremont (5)	Drinking Water	Construction Without Permit	Order/Penalty	1/30/89
Ottosen Water Supply (2)	Drinking Water	Monitoring/Reporting - Radionuclides	Order/Penalty	1/30/89
Orchard Water Works (2)	Drinking Water	Monitoring/Reporting - Radionuclides	Order/Penalty	1/30/89

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Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	SW	1,000	8-12-87
*OK Lounge (Marion)	WS	448	11-01-87
*Richard Davis (Albia)	SW	1,000	2-28-88
*Ellie's Bar and Grill (Grand River)	WS	515	3-05-88
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
*Merle Kuppinger (Mason City)	SW	500	8-20-88
**Don Scribner (Nashua)*	SW	900	8-21-88
**Lawrence Payne (Ottumwa)*	SW	475	10-23-88
Milo Chalfant, et. al. (Webster City)	AQ	1,000	11-23-88
*Vernon Kinsinger (Kalona)	AQ	500	12-05-88
*McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
*Dallas E. Robinson (Mason City)	SW	400	12-15-88
**Dumont Auto Parts (Dumont)*	AQ	200	12-18-88
Mark Twain Meadows Homeowners (Muscatine)	WS	1,000	1-06-89
**Twelve Mile House (Bernard)*	WS	239	1-15-89
Spring Valley Park (Dubuque)	WS	200	1-30-89
Vernon Heights MH Court (Cedar Rapids)	WS	100	2-01-89
Bianchi-Meyrat Lagoon (Des Moines)	WW	1,000	2-06-89
*Randy's Bluffton Store (Decorah)	WS	100	2-15-89
Pony Creek Homeowners Assoc. (Glenwood)	WS	300	2-15-89
Hickory Grove Mobile Home Park	WW	520	2-21-89
City of Hopkinton	WW	500	2-25-89
Wee Willy's (Quasqueton)	WS	450	2-23-89
Dale Wetherell (Storm Lake)	AQ	700	2-27-89
Krause-Gentle Corp. (Laurel)	HC	1,000	3-17-89
Ingham Lake Lutheran Camp (Milford)	WS	215	3-17-89
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700	3-20-89
City of Ridgeway	WW	500	3-20-89
Bally Clough Inn (Dubuque)	WS	200	3-20-89
New Hampton Golf & Country Club (New Hampton)	WS	215	3-27-89
City of Maxwell	WW	800	3-29-89
Ottosen Water Supply	WS	200	4-01-89
City of Fremont	WS	200	4-02-89
White House Supper Club (Saint Lucas)	WS	100	4-02-89

*Referred to Attorney General

**On Payment Schedule

Odessa Dells (Wapello)	WS	200	5-15-89
Mitchell Boars & Gilts (Madison Co.)	WW/FP	1,000	-----
King's Terrace Mobile Home Court (Ames)	WW	1,000	-----
King's Terrace Mobile Home Court (Ames)	WS	315	-----
Truesdale Water Supply	WS	100	-----
Tonja Mobile Home Park (Council Bluffs)	WS	100	-----
Austin Rumley (Leon)	FP	600	-----
Orchard Water Works	WS	200	-----
City of Cherokee	WW	1,000	-----

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Clear Lake Sanitary District	WW	1,000
KAL Services, Inc. (Pella)	WW	500
AMOCO Oil Co. (Des Moines)	UT	1,000
Oto Water Supply	WS	200
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Stan Moser (Hudson)	SW	250
Cloyd Foland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Cindi's Chanti (Elgin)	WS	560
Bill Keough (Fertile)	AQ	700
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
City of Olds	WS	1,000
Howard Gross (West Union)	FP	800
Arthur Pape (West Union)	FP	800
IBP, inc. (Columbus Junction)	WW	600
William C. Augustine (Rose Hill)	FP	1,000
Fred's 66 (Davenport)	HC	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Miller Products Co. (Osceola)	WW	500
Stockton Water Supply	WS	50
Welcome Inn (Palo)	WS	50
**Chico's Supper Club* (Burr Oak)(Paid in Full)	WS	294
City of Adair	WS	200
City of Audubon	WW	1,000
Somers Water Works	WS	100
St. John's-Placid (Epworth)	WS	50
Stuckey's 287-Pecan Shop (Little Sioux)	WS	215
Bellevue Golf Club (Bellevue)	WS	215
Kerr McGee Corp. (Des Moines)	UT	500
Linwood Mining and Minerals (Davenport)	AQ	300

TOTAL \$3,474

*Referred to Attorney General
**On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
February, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DMR Action	Status	Date
Aides Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred	12/16/82
					EPA suit filed	2/26/87
					State intervention	3/05/87
					Motion to dismiss granted/denied	2/26/88
					Filed interlocutory appeal	3/11/88
					Argued in circuit court	11/14/88
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order	Referred	2/20/87
					Suit Filed	4/23/87
					Default Judgment \$7500	6/22/87
					Second lawsuit filed	8/07/88
					Motion to set aside overruled	10/30/87
					Funds condemned (\$2,628)	3/18/88
					Consent Decree	8/23/88
					Filed new case	11/01/88
					Paid \$1,500	12/15/88
					(ows \$500 by 2/15/89)	
Bryant, Robert E. Cherokee (3)		Wastewater	Prohibited Discharge	Order	Referred	6/01/86
					Suit Filed	9/08/86
Cooper, Kenneth/Hunter Oil Winnebago (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred	10/27/87
					Hunter Referred	8/17/88
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred	6/22/88
					Suit Filed	8/11/88
Farmers Cooperative Elevator Co. Radcliffe (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/20/88
Billtop Feeders (Jorgenson) Winnebago (1)	New	Air Quality	Operation Without Permit	Order	Referred	12/15/87
					Suit Filed	3/24/88
Bambly, Morris d/b/a Dumont Auto Parts Dumont (2)	New	Air Quality	Open Burning	Order/Penalty	Referred	1/24/89
					Penalty Paid	2/02/89
IBP, inc. (Langenfeld) Denison (4)		Wastewater	Prohibited Discharge	Order	Referred	11/17/87
Jerry Jansen Kellogg (5)		Fish Kill	Prohibited Discharge	Referred to Attorney General	Referred	10/20/88
King, James & Julia Warren County (5)	Updated	Flood Plain	Channel Change	Order	Referred	8/20/87
					Suit Filed	12/19/88
					Amended Order	2/02/89
Kinsinger, Vernon Kalona (1)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	1/24/89
		Air Quality	Open Burning			
Kuppinger, Merle Hason City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	12/13/88
Leamer, Delbert; JTM Ind. Pleasant Valley (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	11/17/87
McCabe's Supper Club Burr Oak (1)	New	Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred	1/24/89
Poggenmiller, William et.al. Louisa County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred	3/20/87
					Suit Filed	6/25/87
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred	8/17/88
					Suit Filed	12/30/88

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DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 February, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Robinson, Dallas E. Mason City (2)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	1/24/89
					Referred	9/18/84
					Judgment	5/86
					Appealed to Sup. Court	7/86
Salisbury, Ronald, Presto-X Des Moines (5)		Hazardous Waste	Treatment and Storage Violations	Referred to Attorney General	Decided in our favor	12/23/87
					Judgment (\$4,000)	12/08/88
Scribner, Don Mashua (1)		Solid Waste	Open Dumping	Order/Penalty	Referred	7/20/89
					Motion for summary judgment	9/26/88
					Summary judgment granted	10/24/88
Shelter Shield Buffalo Center (6)		Air Quality	Excess Emissions; Construction w/o permit	Order/Penalty	Referred	2/20/87
					Suit Filed	6/30/87
					Default Judgment \$7,500	12/22/87
63-180 Truckstop Powershiek Co. (5)		Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Penalty	Referred	8/17/88
					Suit Filed	11/22/88
University Park, City of (5)		Wastewater	HIP	Order/Penalty	Referred	9/28/88
					Suit Filed	11/14/88
Wilton Steel Processing (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
					Referred	3/16/87
					Suit Filed	5/13/87
					Trial Set	5/13/88
Waterhouse, James & Berna Washington County (6)		Flood Plain	Channel Change	Referred to Attorney General	Summary Judgment Granted the State	9/30/88
					Referred	11/24/84
					Consent Decree	4/25/85
					Contempt Finding	7/02/85
					Contempt Finding	9/25/86
					Contempt Finding	8/24/87
					Contempt Finding	11/14/88
Wolleson, Robert C. Buena Vista and Cherokee Counties (3)		Wastewater	Prohibited Discharge	Order	Compliance Date	7/01/89
					Referred	7/31/86
					Suit Filed	11/09/86
					Temporary Injunction	2/13/87
					Trial Date Set	1/17/88
Woodland Park Jones County (1)	Updated	Wastewater	Prohibited Discharge	Order	Partial Summary Judgment Granted	11/22/88
	Updated	Wastewater	Prohibited Discharge	Order	Penalty trial	1/17/89
					Suit Filed	12/18/84
				Defending	Motion to Dismiss	3/06/85
					Denied	8/01/85
Yocum, Max Johnson (6)	Updated	Flood Plain	Prohibited Construction	Referred to Attorney General	Referred	7/12/85
					Counter Claim Filed	10/85
					Trial Held	6/16/87
					Judgment for Department	8/18/87
					Appealed to Supreme Court	9/01/87
					Argued in Court of Appeals	9/19/88
					Affirmed Judgment	11/29/88
					Further review requested	12/19/88

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwin Soil Service	Administrative Order	MN	Landa	Hearing continued; cleanup study progressing.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Kauke	Administrative Order	MS	Hansen	Amended Admin. Order to be issued.
5-12-87	Iowa City Regency MHP	Administrative Order	MN	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lannon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Clean-up proceeding.
12-31-87	City of Tipton	Administrative Order	MN	Hansen	Amended order to be issued.
1-15-88	First Iowa State Bank	Administrative Order	SN	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	MN	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodman; Westwood Hills	Administrative Order	SN	Landa	Continued pending resolution. Well constructed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase I complete. Additional investigation necessary.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Final decision appealed 12-22-88.
4-13-88	Land O'Lakes, Inc.	Administrative Order	MN	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	MS	Landa	Negotiating before filing.
6-22-88	Cindi's Chanti	Administrative Order	MS	Murphy	Negotiating before filing.
6-23-88	Bill Keough	Administrative Order	AQ	Landa	Consent Order drafted.
7-01-88	Olds, City of	Administrative Order	MS	Landa	Consent Order drafted.
7-01-88	Superior Ideal, Inc.	Administrative Order	MN	Hansen	Hearing continued pending settlement discussions.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SN	Landa	Hearing continued. Settlement proposed.
7-25-88	Aspro, Inc.	Operation Permit	MN	Landa	Consent Order proposed.
7-25-88	The R.J.S. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SN	Landa	Hearing continued.
8-10-88	Dennis Elwell Investment Co.	Construction Permit	MN	Hansen	Hearing continued. Settlement negotiations.
9-27-88	City of Hoken	Permit Condition	MS	Hansen	Negotiating before filing.
9-28-88	Deere & Company	SNA Denial	SN	Landa	Settlement proposed.
10-03-88	A. Gross/H. Pape	Administrative Order	FP	Clark	Negotiating before filing.
10-04-88	Mecha Caba Subdivision	Permit Revision	MS	Hansen	Hearing held on 1-17-89.
10-03-88	IBP, Columbus Junction	Administrative Order	MN	Clark	Hearing continued.
10-20-88	North Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Hearing continued.
11-14-88	William C. Augustine	Administrative Order	FP	Clark	Negotiating before filing.
11-22-88	Lake Shore Drive, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
11-30-88	Forest Ridge Youth Shelter	Permit Conditions	MS	Hansen	Letter sent to facility. Appeal to DIA.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Hearing continued.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
12-05-88	Larry Dittmer	Administrative Order	AQ	Landa	Decision Appealed.
1-03-89	City of Oto	Administrative Order	MS	Hansen	Hearing set for 3-14-89.
1-20-89	Clear Lake Sanitary District	Administrative Order	MN	Kennedy	Hearing set for 3-31-89.
1-24-89	KAL Services, Inc.	Administrative Order	MN	Clark	Negotiating before filing.
1-25-89	Amoco Oil Co.	Administrative Order	UT	Landa	Appealed.
1-26-89	City of Ogden	Administrative Order	MN	Murphy	Negotiating before filing.
1-30-89	City of New Market	Permit Revision	MS	Murphy	Negotiating before filing.

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Director Wilson stated that John Sarcone, Attorney General's Office, will be present on Tuesday morning to answer any questions regarding the status of specific cases.

General discussion followed regarding various items in the reports, particularly an increase in the number of drinking water violations.

This was an informational item; no action was required.

GRANTS TO PUBLIC WATER SUPPLIERS

Joe Obr, Bureau Chief, Field and Emergency Response Bureau, presented the following item.

The following applicants for Grants to Public Water Suppliers pursuant to Chapter 567 - 42 IAC and Section 455E.11 Code of Iowa are recommended for approval.

The grant program for the abatement or elimination of contaminants of a public water supplier's water source has a total funding of \$141,718. No one applicant is allowed to receive more than 10% of the total or \$14,171. We received 52 applications for projects totaling \$2,568,193 during the application period of Oct. 1, 1988 through Dec. 31, 1988.

Applications are divided into three categories: Table 1 - Applications receiving the highest ranking and funding is available; Table 2 - Applications receiving the next highest ranking but funding is not available under this program; and, Table 3 - Applications that are not eligible for funding pursuant to Chapter 567 - 42.

Grant offers will be made in the order listed and limited to those projects listed on Table 1, except that if one or more eligible grantees fails to utilize all or a portion of the funds available, the funds will be reallocated up to \$14,171 to the next highest ranked applicant(s) including those listed on Table 2.

(Tables are shown on following 2 pages)

**GRANTS TO PUBLIC WATER SUPPLIERS
CHAPTER 42**

Total funding for this program was \$141,718 with the maximum an individual could receive being \$14,171 or 10% of the total grant funding.

Applications were received between October 1, 1988 and December 31, 1988. A total of 50 applications were received.

Applications were reviewed and divided into the following categories:

Table 1 - applications receiving the highest ranking and funding is available

Table 2 - applications receiving the next highest ranking but no funds are available for these applicants

Table 3 - applications where the project and/or contaminant did not meet the criteria of Chapter 42.

TABLE 1

GRANT APPLICANTS - ELIGIBLE AND FUNDABLE

	APPLICANT	CS ²	RANKING	PROJECT	CONTAMINATES	TOTAL PROJECT COST	\$ AWARD
1	City of Merrill	Yes	275	New well	Organics & Inorganics	\$178,300	\$ 14,171
2	City of Oxford Jct.	Yes	250	New well	Organics, Inorganics & bacteria	170,000	14,171
3	City of Rock Rapids	Yes	220	New well	Organics	104,000	14,171
4	City of Hoopers	Yes	220	New well	Organics	60,060	14,171
5	City of Hinton		175	New well	Inorganics (NO ₃)	148,143	14,171
6	City of Minden		175	New well	Inorganics (NO ₃)	27,000	14,171
7	City of Akron	Yes	175	New well	Inorganics (NO ₃)	374,000	14,171
8	City of Danbury	Yes	175	Ion Exchange Treat.	Inorganics (NO ₃)	108,000	14,171
9	City of Luther	Yes	150	Regionalization	Fluorides	319,500	14,171
10	Westside Park MHP ¹		145	Regionalization	Inorganics (NO ₃)	5,486	5,486
11	City of Oxford	Yes	135*	New well	Radiological	142,000	8,693
	TOTAL					1,542,489	141,718

* Ranking was determined by severity of contamination problem.

(1) MHP - Mobile Home Park

(2) Compliance Schedule Proposed or Issued by Department

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TABLE 2
GRANT APPLICANTS - ELIGIBLE BUT NONFUNDABLE

	APPLICANT	CS ²	RANKING	PROJECT	CONTAMINATES	TOTAL PROJECT COST	\$ AWARDED
12	City of Wellman	Yes	135*	New well (blending)	Radiological	28,000	0
13	City of Denmark		125*	New well (blending)	Radiological	\$ 30,000	\$ 0
14	City of Bayard		135*	Sand Filtration (Gr.Sand)	Radiological	25,000	0
15	City of Grimes		135*	Ion exchange treat	Radiological	107,000	0
16	Living History Farms		125	Well System Extension	Inorganics (NO ₃)	6,000	0
17	Logan School (private)	Yes	120	New well	Inorganics (NO ₃)	3,076	0
18	Lake Canyada MHP ¹		120	Regionalization	Bacteriological	27,227	0
19	Crab Tree Resort		120	Regionalization	Bacteriological	10,000	0
20	Staff Hotel		120	Filtration System-Carbon	Organics	12,387	0
21	Monti View Mobile MHP ¹		115	New well	Inorganics (NO ₃)	5,700	0
22	Gauls Water System	Yes	105	New well	Radiological/Bact.	19,660	0
23	Beaverdale Heights	Yes	105	Regionalization	Radiological	64,811	0
24	Westwood Hills	Yes	105	Regionalization	Radiological	41,319	0
25	Woodman	Yes	105	Regionalization	Radiological	28,896	0
26	Story County Conserv.		105	Well Improvement	Bacteriological	708	0
27	Ponderosa Truck Stop		105	Reverse Osmosis	Inorganics (NO ₃)	10,545	0
28	Nichory Hollow	Yes	90	Regionalization	Fluorides	54,200	0
29	Oak Park	Yes	90	Regionalization	Fluorides	99,600	0
30	Evergreen Park Co.		90	New well	Bacteria/Fluorides	23,750	0
31	Sac County Conservation		75	New well	Inorganics (NO ₃)	11,498	0
32	Dubuque YMCA		70	New well	Bacteriological	15,600	0
33	Don's Fishermans Wharf		70	New well	Bacteriological	12,725	0
34	Littlefield Recreation		50	New well	Bacteriological	2,780	0
	TOTAL					652,482	0

* Ranking was determined by severity of contamination problem.

(1) MHP - Mobile Home Park

(2) Compliance Schedule Proposed or Issued by Department

TABLE 3
GRANT APPLICANTS - NONELIGIBLE AND NONFUNDED

	APPLICANT	CS ²	RANKING	PROJECT	CONTAMINATES	TOTAL PROJECT COST	\$ AWARD
35	City of Creston		N/A	Chlorine Dioxide	THM	\$ 30,000	N/A
36	City of Mount Ayr		N/A	Chlorine Dioxide	THM	25,000	N/A
37	City of Lamoni		N/A	Chlorine Dioxide	THM	42,500	N/A
38	City of Osceola		N/A	Chlorine Dioxide	THM	18,250	N/A
39	Arnolds Park-Okoboji		N/A	Chlorine Dioxide	THM	29,000	N/A
40	Central Lee Comm Sch		N/A	Regionalization	No contamination	7,084	N/A
41	City of Van Morn		N/A	Well Plugging	No contamination	4,000	N/A
42	City of Coulter		N/A	Greensand Filter	Aesthetics - Iron	16,000	N/A
43	City of Cushing		N/A	Flow Meters	No contamination	5,000	N/A
44	City of Diagonal		N/A	Well Plugging	No contamination	2,000	N/A
45	Julian Care Facility		N/A	New well	No contamination	71,000	N/A
46	City of Shellsburg		N/A	Refurbish Distribution System	Bacteriological In Distribution	19,100	N/A
47	Maple Crest MHP ¹	Yes	N/A	System In Operation	Inorganic - Arsenic	13,415	N/A
48	City of Montezuma		N/A	Chlorine Dioxide Upgrade	No contamination	16,400	N/A
49	Lee County Conservation		N/A	No Present Water System Abandoned 1979	Inorganic (NO ₃)	1,125	N/A
50	City of Denison		N/A	Relocate Electrical Trans-	No contamination	5,000	N/A
51	Clair-View Acres		N/A	former Storage Facility	Contamination	19,098	N/A
52	City of Durant	Yes	N/A	Distribution Upgrade	Aesthetics - Iron	51,250	N/A
	TOTAL					\$373,222	

(1) MHP - Mobile Home Park

(2) Compliance Schedule Proposed or Issued by Department

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Mr. Obr reviewed the rankings shown in the charts and explained how they were determined.

Motion was made by Clark Yeager to approve Grants to Public Water Suppliers as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

RECESS - MONDAY, FEBRUARY 20, 1989 - 2:00 P.M.

Chairman Schlutz announced at 2:00 p.m. that the Environmental Protection Commission meeting will recess to allow the meeting of the Hazardous Waste Site License Commission to convene.

Motion was made by Charlotte Mohr to recess the Environmental Protection Commission meeting. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

MEETING RECONVENES- 2:55 P.M., MONDAY, FEBRUARY 20, 1989

The meeting of the Environmental Protection Commission reconvened at 2:55 p.m., Monday, February 20, 1989.

SOLID WASTE PLANNING GRANT CONTRACTS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The solid waste planning grant program is a one time funding source to provide financial assistance to those entities required to submit a Comprehensive Solid Waste Management Plan in order to obtain or renew a sanitary disposal project. Seventeen grant applications were received from regions around the state. Twelve applicants were recommended for funding. Four of the recommended grant recipients' contracts are over \$25,000 and require the Commission's approval. The contract amounts follow and the scope of work for the contracts is attached.

Bi-State (Davenport)	\$30,803	Des Moines Metro	\$34,165
SIMPCO (Sioux City)	\$39,789	SICOG (Creston)	\$48,544

Article V. Scope of Work

5.1 The Plan must identify and describe the planning area. This description will include the location of existing solid waste management facilities, population centers, transportation routes,

important natural features, and related information. Included should be a listing of the public and private entities involved in waste management and a description of each entities role.

5.2 The Plan must include a description of past local and regional planning activities and how this plan will impact those efforts. It must also describe how the current effort tat regionalization has assisted the development of the Comprehensive Plan.

5.3 The Plan must assemble background data for the planning area. This data will include: solid waste generation rates, an analysis of the waste composition, and projections for future generation for the planning region for municipal and commercial generators.

5.4 The Plan must analyze the existing solid waste management system and will make projections for the future in terms of landfill capacities and disposal costs, including transportation costs.

5.5 The Plan must examine the potential for volume reduction at the source as a means of reducing the waste produced within the planning region. One component of a waste reduction strategy will be a public education effort.

5.6 The Plan must address the portion of the waste stream that currently is being recycled and all portions of the waste stream that have a potential for recycling. Each waste component listed on page 17 of the Planning Guidelines must be examined for its potential recyclability. Such an examination must include a market analysis and the potential for market development.

5.7 The Plan must result in the establishment of realistic goals for recycling along with projected dates and methods that will be utilized to meet these goals.

5.8 The Plan must address the potential for composting of the waste stream. Such an examination will include the possibility of co-composting solid waste and wastewater sludge, the methods of composting that may be used, and how the planning region intends to reduce yard waste from landfill disposal.

5.9 The Plan must then investigate the combustion of the remaining waste stream after waste reduction and recycling. Such an investigation will include a market analysis to identify potential energy consumers for refuse derived fuel, steam, or electricity that can be derived from a waste to energy facility.

5.10 The Plan must examine the potential role that combustion for volume reduction can play in the integrated waste management system.

5.11 The Plan must investigate the continued use of sanitary landfills in terms of future solid waste generation projections, anticipated capital and operating costs, anticipated regulatory requirements, and available disposal capacity.

5.12 In the case of a regional plan, an investigation into the consolidation of existing sanitary landfills and/or creation of a centralized landfill must be completed.

5.13 The Contractor must analyze the information gathered on alternatives and develop several integrated management systems for further consideration and a comparative cost analysis. This analysis, comparing the various systems and the status quo, should result in the selection of the optimum blend of alternatives.

5.14 The Plan must then detail the proposed system including a set of goals and objectives to be accomplished, the methods for meeting those goals, and a schedule for implementation of the plan. The resulting integrated management system should be a technically and economically feasible system that will result in minimal environmental impact.

Ms. Hay explained the projects for which each grant will be used and noted that the Scope of Work is a guideline used for all twelve grants.

Motion was made by Catherine Dunn to approve the four Solid Waste Planning Grant contracts which are each over \$25,000. Seconded by Gary Priebe. Motion carried unanimously.

MIDWEST LOW LEVEL RADIOACTIVE WASTE COMMISSION UPDATE

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

Ms. Hay reported that there has been a change since the last update received from the Midwest Compact. On January 31, the governor of Michigan sent a letter to the six member state governors in the Midwest Compact noting that he was halting the siting activity in Michigan unless there was resolution of several outstanding issues. He was primarily concerned about liability and financial assurance concerns. He was also concerned about the number of low level waste facilities currently being sited around the country. Governor Branstad, and the governors of Minnesota and Wisconsin have responded to Governor Blanchard in writing, noting that they are sure that compact amendment language can be achieved. They also asked Governor Blanchard for more details as to how he thinks the national act could best be amended to address the concerns on the number of sites in the country.

Ms. Hay noted that some actions being taken by other states are that the State of Washington denied Michigan access to their facility effective immediately. South Carolina decided to deny access to Michigan effective March 1 and the other six member states effective April 1, unless one of the alternatives are met. That would mean forming a new compact, designating a new host state and proceeding with a siting process, or making an assurance that Michigan would continue in good faith with the siting process. This would have to be done within 45 days. Nevada is contemplating taking the same action.

Ms. Hay stated that there will be a meeting of governors in Washington, D.C. next week, and there will possibly be some resolution of these issues at that time.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTER 133, GENERAL GUIDELINES FOR DETERMINING CLEANUP ACTIONS AND RESPONSIBLE PARTIES

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Commission is required to adopt rules relating to guidelines for groundwater cleanup actions and determining responsible persons. Enclosed is a notice of intended action addressing these issues and related issues concerning the Department's handling of cleanup actions. Rules on this subject are required to be adopted by July 1, 1989. Since public input is likely to be substantial, it is important that these proposed rules be published and the public participation process started soon, in order to meet that deadline. Approval of this notice of intended action is requested.

(Notice of Intended Action is shown on following 8 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455E.5, the Environmental Protection Commission for the Department of Natural Resources gives notice of intended action to adopt a new Chapter 133, "General Guidelines for Determining Cleanup Actions and Responsible Parties."

Iowa Code section 455E.5(5) provides that documentation of any contaminant which presents a significant risk to human health, the environment, or the quality of life shall result in either active or passive cleanup. This section further requires the department, by July 1, 1989, to adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible. These proposed rules are intended to comply with this duty. In addition, the department has duties to control, abate and remediate pollution and hazardous conditions under numerous provisions of Iowa Code Chapter 455B, most pertinently Division III, Part 1 (water quality), and Division IV, Part 4 (hazardous conditions). In implementing the department's authority to require cleanup actions under these authorities, related issues with respect to the duties of the department and potentially responsible parties have evolved over the years. For example, how much does the department have to do to document a problem, and when does it become the responsibility of others to investigate further? These proposed rules are intended to clarify these issues as well.

This proposal is intended to be consistent with the recommendations of the Commission in a report on the role of groundwater standards in Iowa's programs, recently submitted to the General Assembly. That report recommended against the adoption of groundwater standards, but among other things did recommend promulgation of cleanup guidelines based on current federal lifetime health advisories where contamination has occurred from point sources of contamination. In addition, it is anticipated that these rules will have to be amended at a later date to address other aspects of the recommendations relating to nonpoint source groundwater contamination, which will require additional statutory authority. The Commission seeks comment on all aspects of these rules. The following background and explanation is presented regarding the responsible party portions of the rules.

The department is required, pursuant to Iowa Code section 455E.5(5), to adopt rules which specify procedures for determining the parties responsible for taking cleanup actions necessary to meet the goals of the state. These goals are to:

1. Prevent, abate or control water pollution. 455B.172(1), 455B.173(1)
2. Maintain the existing quality of water of the state where the quality thereof exceeds the requirements of the state water quality standards. 455B.173(2)
3. Protect surface and groundwater sources as necessary to ensure long-term availability in terms of quantity and quality to preserve the public health and welfare. 455B.262(3)
4. Protect the health, safety and welfare of Iowans and the environment by safely and sanitarily disposing of solid wastes. 455B.301A(1)
5. Prevent, abate and control the exposure of the citizens of the state to hazardous conditions. 455B.382
6. Prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical, and if necessary, to restore

the groundwater to a potable state, regardless of present condition, use or characteristics. 455E.4

The department has, historically, exercised numerous and various statutory authorities to require cleanup actions necessary to meet these goals. They are:

1. A pollutant shall not be disposed of by dumping, depositing or discharging such pollutant into a water of the state without a permit. 455B.186

The director is authorized to issue an order to any person violating this provision, a permit or rule directing the person to desist. 455B.175. Any person who violates this provision, a permit or rule is subject to the penalties set forth in 455B.191.

2. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a permitted sanitary disposal project. 455B.307(1)

The director may issue any order necessary to secure compliance. 455B.307(2) Any person who violates this provision or any rule is subject to a civil penalty. 455B.307(3)

3. When any hazardous condition exists, the director may remove or provide for the removal and disposal of the hazardous substance at any time, unless the director determines such removal will be properly and promptly accomplished by the owner or operator of the vessel, vehicle, container, pipeline or other facility. 455B.387(1)

If the director determines that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency. 455B.388(1)

A "person having control over a hazardous substance" is strictly liable to the state for certain costs incurred by the state. 455B.392(1) Defenses to liability are set forth in 455B.392(3) and (4). "Person having control over a hazardous substance" is defined by 455B.381(8).

4. If upon receipt of any information, the director determines that the presence of a hazardous waste at a facility or site at which hazardous waste is, or has been stored, treated or disposed of, or the release of the waste from the facility or site may present a substantial hazard to human health or the environment, the director may issue an order requiring the owner or the operator of the facility or site to conduct reasonable monitoring, testing, analysis and reporting with respect to the facility or site to determine the nature and extent of the hazard. 455B.416(4) This liability is limited by 455B.416(4)"b" to the most recent owner or operator of a facility or site, which is not in operation, who could reasonably be expected to have actual knowledge to carry out the investigation. 455B.416(4)"c" authorizes the director to conduct the necessary investigation and to seek reimbursement.

5. 455B.418(1)"c" provides that when the director determines that a disposal site contains a hazardous waste in an amount and under conditions that cause an imminent threat to human health and that the person responsible for the site will not take action, the director may act and recover costs from the person responsible for the disposal site.

6. An owner or operator of an underground storage tank who violates any provision of Part 8, of 455B, or rule of the department is subject to the enforcement authority of the director pursuant to 455B.476. If an emergency exists, the director may issue any order necessary. 455B.476(2) The terms "owner" and "operator" are defined by 455B.471.

The terms "any person," "owner," "operator" and "responsible person" are generally ambiguous and have been applied differently in various contexts,

particularly as they relate to liability under the various environmental programs. The interpretation of these terms is generally the result of the application of commonly accepted principles of statutory construction and common law principles bearing upon the same subject. The equal and sequential consideration and application of these principles in this instance is necessary and appropriate.

In this regard, Chapters 455B and 455E are the sort of environmental legislation that represents the exercise by the state of the traditional power to regulate public nuisances. In fact, prior to the passage of these laws, environmental problems were redressed as nuisances under Chapter 657. See Northwestern Laundry v. City of Des Moines, 36 S. Ct. 206, 239 U.S. 486, 60 L. Ed. 396 (1916), Andrews v. Western Asphalt Paving Corporation, 188 NW 900 (IA 1922) and McGill v. Pintisch Compressing Co., 118 NW 786 (IA 1908) regarding air pollution, and Newton v. City of Grundy Center, 70 NW 2d 112 (IA 1955), Stovern v. Town of Calmar, 216 NW 112 (IA 1927), Bowman v. Humphrey, 109 NW 714 (IA 1906) and Ferguson v. Firmenich Mfg. Co., 42 NW 488 (IA 1889) regarding water pollution and Incorporated Town of Carter Lake v. Anderson Excavating & Wrecking Co., 241 NW 2d 896 (IA 1976).

The Iowa Supreme Court has ruled specifically that Iowa Code Chapter 657 regarding nuisances does not change the common law as to nuisances so as to take away any rights held by the public under common law. State v. Chicago Great Western R. Co., 147 NW 874 (IA 1914). Similarly, the department concludes that where Chapters 455B and 455E do not expressly purport to depart from or alter the common law it will be construed in light of the common law principles bearing upon the same subject. People v. Curtis, 450 P2d 32 (Cal 1969); Centeno v. Roseville Community Hospital, 167 Cal Rptr 183 (1979).

Much of the statutory language found in 455B and 455E is based upon established principles of common law nuisance. The groundwater protection policies set forth in Iowa Code section 455E.5 provides that all persons have the right to have their lawful use of groundwater unimpaired by the activities of any person which render the water unsafe or unpotable and that all persons have the duty to conduct their activities so as to prevent the release of contaminants into groundwater. (455E.5(3) and (4)) This principle is commonly expressed as "sic utere tuo ut alienum non laedas" or "every person should so use his property as not to injure that of another" and was most recently reaffirmed by the Iowa Supreme Court in Page County Appliance v. Honeywell, 347 NW 2d 171 (IA 1984).

In consort with these principles, the department's proposed rules in effect provide that all those who authorize, consent to, or otherwise substantially participate in the creation of a condition which requires a cleanup action are responsible to undertake the cleanup action. In addition, those who are obligated to abate an existing condition and who fail to exercise reasonable care to abate the condition are jointly and severally liable for all harm which results.

The liability of the creators of the condition rests upon their acts which result in the condition and is not based upon negligence. In addition, responsibility rests with one who directs or has authority to supervise an activity that is or by direction becomes a condition, upon one who authorizes a lessee, independent contractor or other person whose conduct results in the creation of a condition, and anyone who aids in a substantial way in the conduct which results in a condition.

The liability of those who permit a pre-existing condition to continue, that is a successor to the ownership or control of the activity or property which has resulted in the condition, rests upon the failure of the person to take

reasonable actions to abate the condition. One who succeeds to a condition becomes liable upon notice of the condition and remains liable for all or a portion of the costs of cleanup.

It is likely that more than one person may be responsible for the cleanup actions necessary to meet the goals of the state. In those instances, the department will make no attempt to apportion liability. The department will hold all responsible persons jointly and severally liable for cleanup costs.

Any interested person may submit written suggestions or comments on the proposed rules through May 5, 1989. Such written materials should be directed to Michael Murphy, Government Liaison Bureau, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons who have questions may contact Mr. Murphy at 515/281-8973. Persons are also invited to present oral or written comments at public hearings which will be held on _____.

These rules may have impacts on small businesses. These rules are intended to implement Iowa Code section 455E.5(5), and Iowa Code Chapter 455B, Division III, Part 1 and Division IV, Part 4.

Chapter 133
General Guidelines For Determining
Cleanup Actions and Responsible Parties

133.1(455B, 455E) Scope.

133.1(1) These rules establish the procedures and criteria the department will use to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules pertain to the cleanup of groundwater itself and soils and surface water where groundwater may be impacted. They may also be used as guidelines in other environmental protection activities authorized by Iowa Code Chapter 455B. Where specific federal or state programs or funds exist to address situations that are also governed by these rules, the rules and standards of the specific programs or funds will be integrated and utilized to achieve an equitable, expeditious and environmentally sound resolution of the particular contamination situation. These rules shall in no way be construed to condone or imply a general water quality standard for groundwater, but are intended only as guidelines for cleanup of contamination.

133.1(2) These rules apply specifically to cleanup actions required to abate, prevent or remediate a hazardous condition, the presence of a hazardous substance or waste, the release of a regulated substance, or the discharge of a pollutant, as those terms are defined in Iowa Code Chapter 455B.

133.1(3) These rules are general guidelines and shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, the environment, or the quality of life. The department shall make its evaluation on a case-by-case basis and may consider the toxicity, mobility and persistence of contaminants involved, including the potential synergistic, antagonistic, or cumulative effects of the contaminants involved in a particular case.

133.2(455B, 455E) Definitions.

"Action level" means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then MCL. If there is no HAL, NRL, or MCL, an action level may be established by the

department based on current technical literature and recommended guidelines of EPA and recognized experts, on a case-by-case basis.

"Active cleanup" means removal, treatment, or isolation of a contaminant from groundwater or associated environment through the directed efforts of humans.

"Aggravated risk" means a contamination situation which presents a potentially catastrophic or an immediate and substantial risk of harm to human life or health or to the environment. Examples include exposure of humans, animals or the food chain to acutely toxic substances, contamination of a drinking water supply, threat of fire or explosion, or similar situations.

"Background" means groundwater quality unaffected by human activities, and generally shall be determined by historical data of the geological services bureau or other government agencies for the type of aquifer or location involved in a given case. If available data is not adequate, background may be established by groundwater samples upgradient of a source or potential source of a substance which is detected in or has a reasonable probability of entering the groundwater. Background for a synthetic organic compound or other manufactured material is always zero.

"Best available technology" means those processes which most effectively remove, treat, or isolate contaminants from groundwater or associated environment, as determined through professional judgment considering actual equipment or techniques currently in use, published technical articles and research results, engineering reference materials, consultation with known experts in the field, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedules of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment and evaluation of alternatives is determined to be the most effective means of preventing or abating contamination at a location.

"Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally in groundwater or which occurs naturally at a lower concentration.

"Contaminant" includes all hazardous substances as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution or substance designated pursuant to 40 C.F.R. 302.4.

"Groundwater" means any water of the state as defined in Iowa Code section 455B.171 which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

"HAL" means a lifetime health advisory level for a contaminant, established by the United States Environmental Protection Agency (EPA).

"MCL" means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"NRL" means the negligible risk level (1×10^{-6}) for carcinogens established by the EPA.

"Passive cleanup" means the removal or treatment of a contaminant in groundwater, or associated environment, through management practices or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay and chemical or biological decomposition.

"Preventative" or "prevention" refers, in the context of these rules, to actions or efforts to minimize or stop further contamination in a situation where contamination already exists or is imminent.

"Remedial action plan" means a written report which includes all relevant information, findings, and conclusions from a site assessment, including all

analytical results and identification of contaminant migration pathways; identification and evaluation of cleanup alternatives, including both active and passive measures using best available technology and best management practices; a recommended cleanup action or combination of action, including identification of expected cleanup levels consistent with the cleanup goal of 133.4(3)"b;" a monitoring network and schedule to document cleanup levels; and a proposed schedule of implementation.

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating a condition of contamination under any applicable law. This may include the person causing, allowing or otherwise participating in the activities or events which cause the contamination, property owners who are obligated to abate a condition, or persons responsible for or successor to such persons.

"Significant risk" means

1) the presence in groundwater of a contaminant in excess of an action level;

2) the presence of a contaminant in the soils, surface water, or other environment in proximity to groundwater which may reasonably be expected to contaminate the groundwater to an action level; or

3) the presence of a contaminant or contaminants in the environment in quantities, concentrations, or combinations which may significantly adversely impact the public health, safety, environment, or quality of life. This criterion would normally be applied where there is no established action level or where combinations of more than one contaminant are present.

"Site assessment plan" means a written proposal for study of a contamination situation to determine the types, amounts, and sources of contaminants present, hydrogeological characteristics of the site, and the vertical and horizontal extent of contamination, with a goal of developing an adequate remedial action plan. The proposal must include: recommendations for collection of relevant historical data such as site management practices, inventory records, literature searches, photographs and personal interviews; a methodology for obtaining groundwater flow information including well placements, construction and elevation, bore logs, static groundwater table measurements, groundwater elevations, groundwater gradients (isopleth), and information on soil transmissivity, porosity and permeability; and a methodology for identifying contaminant plumes, including additional monitoring wells to identify the horizontal and vertical extent of contamination, a site plot showing the estimated configuration of contamination, and a sampling schedule and list of constituents to be analyzed.

133.3(455B, 455E) Documentation of contamination and source.

133.3(1) Department determination of contamination. When the department receives or obtains evidence of groundwater contamination or the release or presence of contaminants in the environment associated with groundwater, where contamination of the groundwater may reasonably be expected, the department shall make reasonable efforts to document the source of contamination, and shall require responsible persons to take appropriate preventative, investigatory and remedial actions. Evidence of contamination may include but is not limited to the following:

a. Water samples indicating the presence of a contaminant at levels above background.

b. Soil or surface water samples indicating the presence of a contaminant at levels above background, where release to the groundwater is likely.

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a. Water samples indicating the presence of a contaminant at levels above background.

b. Soil or surface water samples indicating the presence of a contaminant at levels above background, where release to the groundwater is likely.

c. Known releases of contaminants into the environment in quantities and locations that could reasonably be expected to cause groundwater contamination.

d. Other events that the department determines could potentially cause groundwater contamination.

The amount and type of evidence necessary to document contamination or potential contamination will vary with the circumstances of each case, including the amount and type of contaminant involved, site topography and geologic conditions, and potential adverse effects. Normally, a reasonable number of water and soil samples will be taken or analyses obtained by the department. However, where a quantity of contaminants is known to have been released into the environment, for example from a spill, which could reach groundwater, the department is not required to collect samples.

133.3(2) Department determination of source. The department shall determine whether the contamination is or likely was caused by a particular source or sources, for example a known spill of contaminants or current or past facilities or activities in the vicinity which involved products or substances which could be a likely source. If no such person or event can be identified, the department shall make reasonable efforts to determine whether there is a relatively restricted area of more concentrated contaminants in the vicinity which is or is likely to be a source of the contamination. This subrule does not require the department to identify a specific person or persons responsible for the contamination, but to determine whether the contamination has or has likely come from a relatively defined source.

133.3(3) Determination of responsible persons. Where a source or likely source of contamination is identified, the person or persons responsible for that source or sources shall conduct necessary preventative, investigatory and remedial actions. Where there may be more than one source or the source is not conclusively identified, persons in the vicinity of the contamination who handle or have handled materials or wastes which could be the source shall investigate to confirm or disaffirm that their activities are a source of the contamination. Investigation by responsible or potentially responsible persons may include soil and groundwater monitoring to better define the source, if necessary. In all cases, all owners of property on or over which a source of contamination is determined may be responsible for preventative, investigatory and remedial measures. Responsible persons may be jointly and severally liable, and the department is not required to name all potentially responsible parties in directing responsive actions to contamination.

133.4(455B, 455E) Response to contamination.

133.4(1) Prevention of further contamination. In all cases where an active source of contamination is identified, the source shall be removed, repaired or otherwise contained, or the contaminating practices ceased, immediately upon discovery of the source. In addition, readily accessible contaminants, for example concentrated contaminants spilled on the ground or accessible through a recovery well or system, shall be promptly removed to avoid or minimize further contamination in the groundwater.

133.4(2) Aggravated risk. Where the contamination presents an aggravated risk, the investigatory and remedial measures provided in this rule shall be expedited to remove such risk. In addition, the following actions shall be taken by the responsible parties, if necessary, to protect the public health or environment:

- a. Providing alternate water supplies.
- b. Installing security fencing or other measures to limit access.

- c. Extraordinary measures to control the source of release.
- d. Removal of hazardous substances to an approved site for storage, treatment or disposal.
- e. Placing physical barriers to deter the spread of the release.
- f. Recommending to appropriate authorities the evacuation of threatened individuals.
- g. Using other materials to restrain the spread of the contaminant or to mitigate its effects.
- h. Executing damage control or salvage operations.

133.4(3) Significant risk. In cases of significant risk, the following investigatory and remedial measures shall be implemented:

a. Investigation. The responsible party shall determine the extent and levels of contamination through a site assessment conducted by a registered professional engineer or other expert in the field of hydrogeology. A site assessment plan shall be submitted to the department within 45 days of notice by the department, unless a shorter time is required or a longer time is authorized by the department. The plan shall be approved by the department prior to initiation of the assessment, unless otherwise approved by the department. The site assessment shall be conducted within a reasonable time and a remedial action plan shall be submitted to the department, within the time directed or approved by the department. The department may require further investigation by the responsible person in order to adequately assess the extent of contamination, and may require the remedial action plan to be supplemented if necessary.

b. Required cleanup actions.

1. Groundwater. The goal of groundwater cleanup is use of best available technology and best management practices as long as it is reasonable and practical to remove all contaminants, and in any event until water contamination remains below the action level for any contaminant, and the department determines that the contamination is not likely to increase and no longer presents a significant risk. Where site conditions and available technology are such that attainment of these goals would be impractical, the department may establish an alternative cleanup level or levels, including such other conditions as will adequately protect the public health, safety, environment, and quality of life.

2. Other. Where significant amounts of contaminants are documented as being present in the soils or other environment, such that groundwater contamination is occurring or is imminent and likely, active cleanup of the contaminated soils or other environment shall be implemented to the extent reasonable and necessary to prevent or minimize release to the groundwater; passive cleanup may be allowed in extraordinary circumstances.

133.4(4) Other. Where significant risk is not currently present, the responsible person may be required to monitor the groundwater and implement reasonable management or other preventative measures to minimize further contamination.

Date

Larry J. Wilson, Director

(A:EP133.MIN/046-89)

Mr. Combs explained the proposed rule in detail.

Clark Yeager requested that on page 1, paragraph 3, lines 3 and 4, the words "recommended against" be changed to "did not recommend", and the Commission concurred with the change.

Chairman Schlutz stated that on page 3, paragraph 4, the latin wording is not needed and should be deleted.

Discussion followed regarding appeal rights. Mike Murphy explained the statutory right of appeal. It was the concurrence of the Commission that the right to appeal should be specified in the rule.

Clark Yeager suggested a number of additional word changes, minor deletions and additions.

A lengthy discussion followed regarding changes to be made to the proposed rule.

Motion was made by Catherine Dunn for staff to rewrite the Notice of Intended Action--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties, with the suggested changes discussed today and to hold an electronic commission meeting on March 1 to approve the revised notice. Seconded by Clark Yeager. Motion carried unanimously.

LEOPOLD CENTER MEETING REPORT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Leopold Center Advisory board met with Dr. Keeney on January 25, 1989 on the Drake campus.

Dr. Keeney reported on the following items.

1. He has received numerous applications to fill the assistant to the director position. Dave Miller is filling that position currently as a temporary appointee.
2. The Leopold Center office will be moving to 3203 in the Agronomy building.
3. An update of the Leopold Center account was reviewed. Funds remaining from the FY-88 appropriation equals \$42,414. The estimate of funds to the Leopold account for FY-89 is \$943,000. Approximately \$740,000 is projected to be used for project funding with approximately \$203,000 of FY-89's income to be used for Center operations.

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A considerable amount of time was spent on discussing Dr. Keeney's long range plan, as he referred to it, a blueprint for the future. Development of the plan has been initiated. The plan identifies the goals, objectives and priorities of the Center. Perhaps the area with the most controversy is what Dr. Keeney refers to as team issues. The term "team issues" refers to an inter-disciplinary approach to a specific issue. For development of the plan, Dr. Keeney will rely on participation from researchers in a variety of scientific and non-scientific disciplines. Several members of the advisory board expressed concern that Dr. Keeney receive input in the development of the team issues from outside of the researchers available at Iowa State University.

Thirty-seven new proposals for Leopold Center funding were received in addition to twenty proposals which were submitted for renewal. The Board expressed their preference to review all proposals at one time. They felt inappropriate at making recommendations on the renewals prior to reviewing the new proposals. A one to two page non-technical summary will be requested from the principal investigators and provided to Board members. The Board has scheduled a conference call on February 27 to select the proposals that merit further consideration for their funding recommendation.

Discussion followed regarding the fact that 95% of the members of the "issue teams" are from ISU. Nancy Lee Siebenmann related that CHEEC grants were being issued only to their own people at the University of Iowa, but they are going to post them in the future. There was also discussion of the Leopold Center's budget.

This was an informational item; no action was required.

GROUNDWATER PROGRAM EVALUATION REPORT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

In 1988, the DNR adopted administrative rules for evaluating Iowa's groundwater protection programs in response to a statutory requirement in the Groundwater Protection Act (House File 631, 1987).

E89Feb-28

These rules specify that every two years, Iowa's groundwater protection programs will be evaluated. However, in order to synchronize the preparation of this report with other groundwater program reports, this first evaluation report covers a period of less than two years. The purpose of the evaluation is to assess the accomplishments of each program against the program's goal(s) and eventually determine how the program is influencing groundwater quality. Also in the evaluation process, recommendations to make programs more effective or efficient will be made.

This report has been submitted to DNR's Director, Larry Wilson, by the Groundwater Program Evaluation committee. This committee consists of representatives of the Department of Health, Board of Regents, Department of Agriculture and Land Stewardship, Association of Soil and Water Conservation District Commissioners and the DNR.

This evaluation report provides a thorough review of each of the groundwater protection programs initiated or amended by the 1987 Groundwater Protection Act. For the time period covered by the report, insufficient program operation time was available to allow a thorough evaluation to be performed. Many of the programs have made substantial progress in the last six months toward their development in becoming fully operating programs.

Mr. Combs stated that this report is for the first seventeen months of the groundwater program and it has been submitted to the General Assembly. It shows that progress is being made but there is not a lot of hard substance to evaluate yet. The next report will probably address more results, products, and accomplishments rather than efforts.

This was an informational item; no action was required.

RECESS

Chairman Schlutz recessed the meeting at 5:00 p.m., Monday, February 20, 1989

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MEETING RECONVENES 8:30 A.M., TUESDAY, FEBRUARY 21, 1989

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item.

Parr Manufacturing

Mr. Murphy gave a brief overview of the case. He stated that the company was issued an Administrative Order in April 1986 and they complied with many aspects of the order, entering into a treatment agreement with the city of Winterset. The facility was inspected in 1987 and cited for violations, mostly dealing with treatment agreement limits that were more stringent than the federal limits. There was no enforcement action at that time, but the company was put on notice that there were some problems that needed attention. In November 1988, the facility was again inspected and reports that had been submitted previously were reviewed and violations were detected. The department is mostly concerned with the zinc limits because they are subject to federal standards and some of the violations were rather significant. There was a serious incident in May and some continued violations during the latter part of 1988.

Mr. Murphy stated that since there was a prior Administrative Order staff feels it should be referred to the Attorney General.

APPOINTMENT - JEFFREY KRAUSMAN, PARR MANUFACTURING

Jeffrey Krausman, Attorney for Parr Manufacturing, stated that the litigation report notes that in January and February 1986 some problems were identified, but Parr Manufacturing was not notified of the violation until February 25, 1986. He related that Parr immediately handled this and submitted a pre-treatment agreement in June 1986. Mr. Krausman stated that Parr Manufacturing set pre-treatment limits, in its initial pre-treatment agreement with the City of Winterset, that turned out to be a bit optimistic on everything other than zinc. Parr had pre-treatment limits at about 1/10 the federal level, only with zinc did they reach the level allowed by federal law. Following examination of the operation in 1988 which noted that there were pre-treatment violations of the lower than federal law limits, Parr Manufacturing submitted (on March 15, 1988) a new pre-treatment agreement to Winterset. Mr. Krausman noted that the agreement has not yet been submitted by the City of Winterset and has not been approved by the DNR, and that Parr did not find out about it until this referral process. He stated that in 1988

there were a number of days in which zinc was over the federal limits and that sporadic monitoring is done by the City of Winterset. Mr. Krausman went on to explain problems involving two employees who were not doing their job correctly. The employee who was responsible for sending in reports would send a good report to Des Moines (Parr's home office) and would keep the bad one in his drawer. The plant manager was supposed to keep an eye on the operation and make sure that it was running properly. He added that both people are no longer with Parr Manufacturing. Mr. Krausman stated that he feels the May 88 reading was probably a lab testing error. In conclusion, Mr. Krausman stated that the company has been in compliance since December 1988 when the personnel changes occurred. The company will continue to make efforts to be in compliance and they have initiated better monitoring techniques than ever before. He stated that they do not feel referral will help this situation.

Discussion followed regarding compliance; the company's responsibility in regards to its employees; status of the pre-treatment agreement and the city's lack of submittal of the request to the DNR.

Nancylee Siebenmann asked if an agreement could be worked out through recourse other than referral.

Mr. Murphy responded that the only option other than referral would be to issue a second administrative order with a penalty in it, and that would be a somewhat unusual procedure. Staff would envision a consent decree with Parr submitting to an injunction to comply and a civil penalty.

Clark Yeager stated that maybe the City of Winterset should also be involved in legal action.

Discussion followed regarding the City of Winterset's responsibilities in the matter.

Motion was made by Catherine Dunn for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

FARMER'S COOP ELEVATOR (Radcliffe)

Mr. Murphy stated that an agreement has been reached with Farmers Coop Elevator and staff is asking referral for purposes of entering into a consent decree.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

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APPOINTMENT - JOHN SARCONI

Mr. Sarcone stated that he was present to answer any questions the Commission might have on past cases.

The Commission asked about the status of the following cases:

King case - Mr. Sarcone reported that the King's have complied with the department's request and therefore the case was dismissed.

University of Iowa and Iowa City case - Mr. Sarcone reported that the department resolved the case with the City of Iowa City, but there has been no resolution between the University of Iowa and the City in regards to the rate dispute.

Waterhouse case - they have submitted their restoration plan and completed the work, but a penalty dispute is unsettled in this case.

Woodland Park - a proposed decree has been agreed to - now awaiting the owner to return the signed decree.

Jerry Jansen - this case is still under review and it hoped that it will be resolved this month.

Bryant case - this case is set for trial in April.

Aidex - this case was argued in November 1988 in the 8th Circuit Court, still awaiting a decision.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

HARDIN COUNTY SANITARY LANDFILL COMMISSION

Mike Murphy presented an overview of this case stating that there was an Administrative Order in 1981, and another in 1984 with a referral. In 1987, an Administrative Order was issued with a penalty and requirements for complying with daily cover requirements and requirements with respect to the leachate system at the facility. In December 1988, a number of operational violations were noted with the gate left open, observation of uncovered wastes, problems with putrescible material being used as insulation for cover material, and a substantial litter problem.

APPOINTMENT - ROGER TINKLENBERG, HARDIN COUNTY SANITARY LANDFILL
COMMISSION REFERRAL

Roger Tinklenberg, Solid Waste Commission Chairman for Hardin County, stated that in 1987 there was a situation where the operator left on a hot day and did not cover, and the fine was passed on to the operator and he was informed that it was not to happen again. Mr. Tinklenberg noted that in mid-October of 1988 they began operation of the state's only recycling facility and tried to work up guidelines before operating the facility. He related that they still have to operate the landfill to hold the trash which cannot be recycled (about 15%). He stated that construction debris still has to go to the landfill and it is open only one day a week; now the contractors have to arrange with the operator to bring the material in. Radcliffe Coop arranged to haul on a specific day and they took the cable down when there was no attendant on duty. That has now been changed so this activity will be cleared with the county engineer. The cable has been removed and gates have been installed so access has been restricted, and solid waste must be covered each day. Litter is picked up on an occasional basis.

BOB GERKE - SPEAKER

Bob Gerke, Hardin County Landfill Operator, stated that Radcliffe Coop called and said they wanted to take some construction debris to the landfill. Mr. Gerke said that in his inspection of the debris it contained tires, tarp, barrels, but no garbage, although the operator doing the hauling said that he had seen some pieces of turkeys. Mr. Gerke stated that Radcliffe Coop personnel asked if dead turkeys could be buried in the landfill and he (Mr. Gerke) explained the restrictions which would apply to that situation. Mr. Gerke stated that he did not know what was done with the turkeys, but he did not haul them to the landfill. He stated that the outside area at the landfill is policed regularly for litter and the inside is done every two months.

Discussion followed regarding the littered condition of the landfill.

Charlotte Mohr commended Mr. Tinklenberg on their recycling efforts.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Catherine Dunn. Motion carried unanimously.

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PUBLIC PARTICIPATION

Chairman Schlutz announced public participation at 10:00 a.m., Tuesday, February 21, 1989.

Don Balvanz

Don Balvanz, Hardin County Supervisor, addressed the Commission expressing concerns with proposed rules regarding post closure of landfills and related that in addition to the tremendous costs involved, the post closure plan will not work. He stated that freezing and compacting will open holes which will leak into the groundwater, and suggested instead that tiles be installed and monitoring take place.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

CITY OF CARSON

Mike Murphy briefed the Commission on the history of this case.

APPOINTMENT - MIKE CARR, CITY OF CARSON

Mike Carr, Mayor, City of Carson, stated that their project was to be completed by July 1, 1988 but they did not receive their permit from DNR until July 13, 1988. Additionally, major problems were encountered in acquiring the needed land on which to build the facility, and just recently condemnation proceedings began. He explained that some renovation was done by the City until they could come into compliance, and this caused some of the high readings. Problems were encountered with the bidding, but a contractor is now ready to begin work as soon as the weather allows.

Clark Yeager asked if they now have the land on which to begin construction. Mr. Carr responded that they should have the land by the time the ground is firm enough to begin digging.

Robert Schlutz asked if a date has been set for condemnation. Mr. Carr stated that it has not yet been set, but it should be rather soon.

Nancylee Siebenmann commented that consideration might be given to referral with the recommendation that the proposed settlement fee be waived in lieu of the fact that; 1) the department's permit was not in place on time to complete the project on time,

and 2) the fact that they are about to get a grant would seem to have some impact.

Catherine Dunn remarked that there seems to be some confusion about the permit and asked for comment from staff regarding same.

Mr. Murphy stated that the information to enable issuance of the permit was not submitted in time to issue it any earlier. He added that the big issue is that the City decided to wait one year in hopes to receive a grant.

Clark Yeager asked if referral could be made with the stipulation that a penalty not be imposed unless construction is not completed by a certain date.

Mr. Murphy replied that the Commission can make any recommendations they would want.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office with the recommendation that the penalty settlement be considered in light of the concerns expressed by the Commission as well as the amount that has been set in the past, and based on the City's population. Seconded by Catherine Dunn.

Catherine Dunn offered a friendly amendment to include that the penalty be waived if completion of construction takes place within six months. Nancylee Siebenmann concurred with the amendment. Motion carried unanimously.

CITY OF WOOLSTOCK

Mr. Murphy briefed the Commission on the history of this case.

APPOINTMENT - KENNETH SPELLMEYER, CITY OF WOOLSTOCK REFERRAL

Kenneth Spellmeyer, Mayor, City of Woolstock, stated that they received a letter in August 1988, from Wayne Farrand, informing them that the City needed to install a 1,000 gallon septic tank to treat the lime sludge coming from the plant. The tank was installed in November 1988 but it was not designed by an engineer. Mr. Spellmeyer stated that the tank was checked by an engineering firm from Mason City and they said it would meet their specifications, but apparently it is not meeting the department's regulations. He stated that they are willing to do everything they can to get the matter straightened out. He related that they have met all requirements but still need a flow meter going into the lagoon. Also, they are a very small town and cannot afford the kind of money to put in a new lime sludge holding pit.

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Discussion followed regarding testing and the need for the city to hire an engineer. The Commission told Mr. Spellmeyer that they need an engineer so they don't spin their wheels and install things then find out it will not work or meet requirements.

Mr. Spellmeyer stated that the septic tank is what the department told them to install.

Randall Clark, Governmental Liaison Bureau, informed the Commission that the city received a letter in March 1986 from Field Office #2 offering five different options for the city to consider. One option was to install a 1,000 gallon septic tank in the sludge discharge line to capture solids, and when periodically cleaned of the solids it could be spread on land. The other four options all dealt with no discharge. The city was urged to monitor their flows for three months and then make a decision on what they wanted to do. After the tank was put in the department did require a permit.

Mr. Clark mentioned that the city has advised the field office that they have retained an engineer to work up a plan of action by March 20, 1989. He stated that the city has indicated that they would be willing to enter into a consent decree, but referral would still need to take place so that the order could be drawn up and agreed to by a judge.

Mr. Spellmeyer stated that they would agree to do what is needed but they do not want to go to court over this.

Motion was made by Catherine Dunn for referral to the Attorney General's Office with consideration being given to the size of the fine in relationship to the city's ability to pay. Seconded by Gary Priebe. Motion carried unanimously.

LEGISLATION REPORT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

1989 GENERAL ASSEMBLY BILL HISTORY
ENVIRONMENTAL BILLS

RUN ON: February 17, 1989
FOR ACTIONS THRU DAY BEFORE RUN DATE

HF 0001

E89Feb-36

By Hatch and Rosenberg.

A bill for an act relating to underground storage tanks, by creating a state fund and administrative body for the fund, establishing certain fees, authorizing revenue bond issues, creating a capital investment tax credit for certain purposes, authorizing certain back-up funding mechanisms including sales and use taxes only if necessary to assure timely payment of revenue bond obligations, providing penalties, providing certain future automatic repeal dates, and providing effective dates.

- Jan. 09 89 Introduced, referred to Energy and Environmental Protection. H.J. 20.
- Jan. 11 89 Subcommittee, Hatch, Adams, Hanson of Delaware, Lundby, Osterberg, Shoults and Trent.
- Feb. 06 89 Committee report. H.J. 332.
- Feb. 06 89 Recommended amendment, passage. H.J. 332.
- Feb. 06 89 Committee amendment H. 3084 filed. H.J. 333.
- Feb. 06 89 Pursuant to Rule 31.7, referred to Cmte. on Ways and Means. H.J. 332.
- Feb. 07 89 Subcommittee, Osterberg, Brand, Hanson of Delaware, Rosenberg and Schnekloth. H.J. 345.
- Feb. 08 89 Fiscal note. HCS.

Subcommittee approved "diminution fee" (lost product) concept vs flowage fee as a funding source...sales tax abandoned as a backup funding source.

Incorporating some provisions of Governor's bill.

HF 0028

By Osterberg and Bisignano.

A bill for an act relating to the penalty imposed for discarding any litter or debris onto or in any land or water of this state.

- Jan. 12 89 Introduced, referred to Energy and Environmental Protection. H.J. 92.
- Jan. 17 89 Subcommittee, Osterberg, Bisignano and McKean. H.J. 167.

Makes littering a serious misdemeanor (up to \$1,000 and/or a year in jail) vs a simple misdemeanor (up to \$100 and/or 30 days in jail).

HF 0030

By Harbor and Royer.

A bill for an act relating to geographical balance in the appointment of members of state boards, commissions, committees, and councils, and legislative standing and interim study committees.

- Jan. 12 89 Introduced, referred to State Government. H.J. 92.

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HF 0060

By Groninga.

A bill for an act relating to conflicts of interest of agency officials, local officials, employees, and local employees.

Jan. 18 89 Introduced, referred to State Government. H.J. 173.

Jan. 24 89 Subcommittee, Peterson of Carroll, Hammond and Hanson of Delaware. H.J. 245.

HF 0086

By Schrader.

A bill for an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

Jan. 19 89 Introduced, referred to Energy and Environmental Protection. H.J. 187.

Jan. 24 89 Subcommittee, Schrader, Bisignano and Lundby. H.J. 246.

20% of redemption value vs 1¢ per container.

HF 0197

By Natural Resources & Outdoor Recreation.

A bill for an act to limit operation of motor vehicles in streambeds and providing a penalty. (HSB 49).

Feb. 02 89 Introduced, placed on calendar. H.J. 309.

Feb. 07 89 Amendment H. 3095 filed. H.J. 348.

Feb. 09 89 Amendment H. 3095 adopted. H.J. 373.

Feb. 09 89 Passed House, ayes 87, nays none. H.J. 373.

Feb. 13 89 Explanation of vote. H.J. 433.

Feb. 14 89 Explanation of vote. H.J. 444.

Feb. 13 89 Message from House. S.J. 348.

Feb. 13 89 Read first time, passed on file. S.J. 348.

Feb. 13 89 Referred to Natural Resources. S.J. 372.

Feb. 14 89 Subcommittee, Priebe, Kibbie and Tieden. S.J. 382.

HF 0229

By Schrader.

A bill for an act relating to the purchase of certain degradable and biodegradable products by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

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Feb. 07 89 Introduced, referred to Energy and Environmental Protection. H.J. 336.

Feb. 09 89 Subcommittee, Schrader, Bisignano, McKean, Nielsen and Siegrist. H.J. 376.

Point of sale packaging used by state government to be degradable, preferably biodegradable.

HF 0243

By Jesse.

A bill for an act relating to the requirement of a permit for disposal of municipal sewer sludge.

Feb. 08 89 Introduced, referred to Energy and Environmental Protection. H.J. 350.

Feb. 09 89 Subcommittee, Jesse, Banks and Garman. H.J. 376.

Feb. 14 89 Subcommittee reassigned, Jesse, Banks, Bisignano, Garman and Schrader. H.J. 445.

Permit app to include an environmental impact statement...application not closer than 1200 ft of residence...and not more than 2 tons/year.

HF 0302

By Osterberg.

A bill for an act relating to the testing of public and regional water systems, and making penalties applicable.

Feb. 14 89 Introduced, referred to Energy and Environmental Protection. H.J. 436.

Feb. 16 89 Subcommittee, Osterberg, Bisignano and Petersen of Muscatine. H.J. 504.

DNR rules to require communities <10,000 to test ala 2303 testing... for 10 pesticides and 10 soc's specified by DNR...DNR to give grant to ISU to find method of dealing with THM's.

HF 0308

By Halvorson of Webster.

A bill for an act relating to the required acceptance of empty beverage containers by dealers and distributors.

Feb. 14 89 Introduced, referred to Energy and Environmental Protection. H.J. 437.

Feb. 16 89 Subcommittee, Schrader, Bisignano, McKean, Nielsen and Siegrist. H.J. 504.

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Dealers must accept brands they sell...regardless of sale location.

HF 0317

By Rosenberg and Brown.

A bill for an act requiring notice of aerial spraying, providing for the liability of an applicator or owner, and establishing a civil penalty.

Feb. 15 89 Introduced, referred to Agriculture. H.J. 449.

Must notify residents within 5 miles of field to be sprayed.

SF 0022

By Boswell.

A bill for an act relating to redemption of refused metal beverage containers and providing a penalty.

Jan. 10 89 Introduced, passed on file. S.J. 49.

Jan. 10 89 Referred to Environment and Energy Utilities. S.J. 48.

Jan. 12 89 Subcommittee, Sturgeon, Varn and Pate. S.J. 83.

Dealers must establish regional centers for redemption of "refused" containers.

SF 0024

By Environment and Energy Utilities.

A bill for an act relating to the expansion of the suspension period of certain provisions of the federal Resource Conservation and Recovery Act.

Jan. 10 89 Introduced, placed on calendar. S.J. 50.

Jan. 10 89 Committee report. S.J. 47.

Jan. 10 89 Approved. S.J. 47.

*** Jan. 12 89 Passed Senate, ayes 43, nays none. S.J. 80.

Jan. 17 89 Message from Senate. H.J. 157.

Jan. 18 89 Read first time, referred to Energy and Environmental Protection. H.J. 175.

Suspension thru July 1990 vs 1991 per EPC request.

SF 0042

By Husak.

A bill for an act relating to the establishment of a minimum gross retail sales level prior to the required purchase of a household hazardous materials permit, and providing for a half-year permit fee.

Jan. 16 89 Introduced, passed on file. S.J. 89.

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Jan. 16 89 Referred to Environment and Energy Utilities. S.J. 99.
Jan. 17 89 Subcommittee, Miller, Gronstal and Hedge. S.J. 102.

Minimum sales = \$250 of HHM.

SF 0062

By Boswell.

A bill for an act relating to distance requirements between residences or public areas and animal feeding operations, including feed lots, constructed on or after July 1, 1989, and providing for establishment of penalties.

Jan. 19 89 Introduced, passed on file. S.J. 135.
Jan. 19 89 Referred to Environment and Energy Utilities. S.J. 143.
Jan. 23 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 152.

*1/2 mi radius for < 625,000 lbs animal weight...1 mi radius for
> 625,000 lbs.*

SF 0066

By Husak.

A bill for an act relating to the approval of emergency administrative rules.

Jan. 19 89 Introduced, passed on file. S.J. 138.
Jan. 19 89 Referred to State Government. S.J. 143.
Jan. 24 89 Subcommittee, Gronstal, Hannon and Vande Hoef. S.J. 165.

*Rules Coor and legal council to ARRC must approve rationale for
emergency adoption.*

SF 0083

By Varn.

A bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Jan. 24 89 Introduced, passed on file. S.J. 162.
Jan. 25 89 Referred to Environment and Energy Utilities. S.J. 188.
Jan. 26 89 Subcommittee, Deluhery, Varn and Rife. S.J. 195.

SF 0108

By Scott, Jensen, Murphy, Priebe, Miller, Husak, Taylor, Tieden, Hannon, Corning, Vande Hoef, Hutchins, Tinsman, Kinley, Drake, Carr, Hester, Rensin Goodwin, Riordan, Dieleman, Soorholtz, Fraise, Boswell, Gettings, Horn, Sturgeon, Lind, Bruner, Nystrom, Palmer, Varn, Hagerla, Hultman and Hedge.

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A bill for an act appropriating funds for the restoration and repair of a dam on the Cedar river in the city of Nashua.

Jan. 30 89 Introduced, passed on file. S.J. 211.

Jan. 30 89 Referred to Appropriations. S.J. 222.

Feb. 01 89 Subcommittee, Gronstal, Welsh, Varn, Lind and Tinsman.
S.J. 244.

\$250,000 appropriation.

SF 0156

By Husak.

A bill for an act relating to statutory procedural requirements for administrative rulemaking.

Feb. 07 89 Introduced, passed on file. S.J. 291.

Feb. 07 89 Referred to State Government. S.J. 306.

Feb. 13 89 Subcommittee, Nystrom, Vande Hoef and Fraise. S.J. 371.

Statutorily specified rules to be adopted within 180 days of enactment of statute...cannot use emergency adoption procedures.

SF 0183

By Fuhrman.

A bill for an act relating to the expansion of the container deposit to include beverage containers holding fruit juices or fruit drinks, and making penalties applicable.

Feb. 09 89 Introduced, passed on file. S.J. 325.

Feb. 09 89 Referred to Environment and Energy Utilities. S.J. 344.

Feb. 14 89 Subcommittee, Deluhery, Varn and Soorholtz. S.J. 381.

SF 0189

By Sturgeon.

A bill for an act relating to the establishment of a state environmental policy and requiring certain activities by governmental units regarding the state environmental policy and its implementation.

Feb. 09 89 Introduced, passed on file. S.J. 334.

Feb. 09 89 Referred to Environment and Energy Utilities. S.J. 344.

Feb. 14 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 381.

State NEPA...lots of work will result...and delays in projects.

SF 0200

89047DNR0053

By Nystrom.

A bill for an act relating to the construction of anaerobic lagoons and disposal systems near a state park, and providing an effective date.

Feb. 13 89 Introduced, passed on file. S.J. 369.

Feb. 13 89 Referred to Environment and Energy Utilities. S.J. 372.

Feb. 15 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 406.

Governor's bill...within 2 mile radius of parks need NRC approval.

SF 0212

By Carr.

A bill for an act requiring the performance of monthly fuel surveys by the department of natural resources.

Feb. 14 89 Introduced, passed on file. S.J. 392.

Feb. 14 89 Referred to Environment and Energy Utilities. S.J. 394.

Feb. 15 89 Subcommittee, Miller, Carr and Hedge. S.J. 407.

SF 0219

By Pate.

A bill for an act relating to petroleum underground storage tanks, by establishing certain charges, authorizing revenue bond issues to finance remedial actions, tank improvements, and an insurance program to permit owners and operators to comply with federal regulations mandating physical tank and monitoring standards and the maintenance of proof of financial responsibility, such as insurance, providing certain penalties, certain future automatic repeal dates, and effective dates.

Feb. 15 89 Introduced, passed on file. S.J. 408.

Feb. 15 89 Referred to Environment and Energy Utilities. S.J. 412.

Feb. 16 89 Subcommittee, Gronstal, Deluhery and Pate. S.J. 423.

Governor's bill.

1989 GENERAL ASSEMBLY STUDY BILLS
ENVIRONMENTAL

HSB 0053 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill relating to the protection of meandered streams and sovereign lakes, and subjecting violators to an existing penalty. 1-17-89. Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader. H.J. 169.

NRC bill...restricts activities within 50 (60) feet of bank.

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HSB 0061 AGRICULTURE

A study bill appropriating funds to the state board of regents and the Iowa department of public health to support agricultural health and safety programs. 1-16-89. Subcommittee, Osterberg, Gruhn, Mertz, Pellett and Stueland, H.J. 153. (HF 139). Inactive.

HSB 0081 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill to provide clean air and water in this state, and subjecting violators to an existing penalty. 1-17-89. Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader. H.J. 169.

SSB 0039 ENVIRONMENT AND ENERGY UTILITIES

A study bill for an act to provide clean air and water in this state, and subjecting violators to an existing penalty. 1-16-89, Subcommittee: Carr, Miller and Rife. S.J. 94.

Older American Legislature proposal...indoor air and "enforce" groundwater act.

HSB 0123 NATURAL RESOURCES AND OUTDOOR RECREATION

A study bill relating to the duties of the natural resource commission, the environmental protection commission, and the state advisory board for preserves with respect to budget recommendations, budget approval, and reporting requirements. 1-24-89. Subcommittee, Gruhn, Swartz and Tyrrell. H.J. 246.

SSB 0050 NATURAL RESOURCES AND OUTDOOR RECREATION

A study bill for an act relating to the duties of the natural resource commission, the environmental protection commission, and the state advisory board for preserves with respect to budget recommendations, budget approval, and reporting requirements. 1-16-89, Subcommittee: Husak, Rensink and Doyle. S.J. 95.

EPC and NRC bill...provision re Preserves Advisory Board deleted. Some original concern in House...appears to be non-controversial now.

HSB 0127 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill establishing a system of refunds and returns on certain pesticide container and providing penalties. 1-24-89. Subcommittee, Osterberg, May and McKean. H.J. 246.

HSB 0138 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0155 AGRICULTURE

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A study bill relating to the water protection fund established within the department of agriculture and land stewardship. 1-24-89. Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader. H.J. 247.

Governor priority from Budget in Brief.

HSB 0139 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill relating to extending the time period during which money from the agriculture management account may be used to fund certain demonstration projects, making appropriations from the agriculture management account to fund the projects, and providing an effective date. 1-24-89. Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader. H.J. 247.

DALS bill...would allocate more money to these projects for 5 years. Not in accord with agreement made last year re this money...action doubtful.

HSB 0146 AGRICULTURE

A study bill amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and commercial applicators, providing registration requirements, and providing for fees and civil penalties. 1-24-89. Subcommittee, Johnson, Eddie and Schrader. H.J. 247.

HSB 0181 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0125 ENVIRONMENT AND ENERGY UTILITIES

A study bill relating to solid waste disposal and providing penalties. 2-2-89. Subcommittee, May, Jesse and Siegrist. H.J. 321., 1-25-89, Subcommittee: Deluhery, Gronstal and Soorholtz. S.J. 186.

Governor/EPC bill.

HSB 0182 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0134 ENVIRONMENT AND ENERGY UTILITIES

A study bill relating to waste reduction and recycling by providing for the study of the state's waste stream and development of specific strategies to deal with identified components of the waste stream, creating a waste reduction and recycling trust fund, providing for the imposition of certain fees, and requiring periodic review of the fees imposed. 2-2-89. Subcommittee, Shoultz, Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist. H.J. 322.

1-26-89, Subcommittee: Deluhery, Varn and Soorholtz. S.J. 196.

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EPC bill.

HSB 0183 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0133 ENVIRONMENT AND ENERGY UTILITIES

A study bill relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts. 2-2-89. Subcommittee, Shoultsz, Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist. H.J. 322.

1-26-89, Subcommittee: Gronstal, Deluhery and Pate. S.J. 196.

EPC bill.

HSB 0187 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill relating to the amount of reimbursement for the return of empty beverage containers by a dealer, a dealer agent, or a redemption center. 1-31-89. Subcommittee, Schrader, Bisignano and Lundby. H.J. 293.

HSB 0194 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0176 ENVIRONMENT AND ENERGY UTILITIES

A study bill relating to petroleum underground storage tanks, by establishing certain charges, authorizing revenue bond issues to finance remedial actions, tank improvements, and an insurance program to permit owners and operators to comply with federal regulations mandating physical tank and monitoring standards and the maintenance of proof of financial responsibility, such as insurance, providing certain penalties, certain future automatic repeal dates, and effective dates.

2-1-89, Subcommittee: Gronstal, Deluhery and Rife. S.J. 244.

Governor bill.

HSB 0199 ENERGY AND ENVIRONMENTAL PROTECTION

A study bill relating to the testing and monitoring of permanent pesticide storage and mixing sites for the detection of contamination. 2-2-89. Subcommittee, Johnson, Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader. H.J. 322.

HSB 0200 ENERGY AND ENVIRONMENTAL PROTECTION
SSB 0169 ENVIRONMENT AND ENERGY UTILITIES

A study bill relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of

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technological or marketing factors do not allow them to be recyclable.	1 2
3. State government shall be a model for the public and private sector in Iowa in supporting the development and marketing and in utilizing degradable products.	4 5 6 7
4. Effective January 1, 2000, nondegradable disposable plastics shall not be land disposed in the state.	9 10
455G.21 Duties of the director.	12
The director shall do all of the following:	14
1. Continuously review the technology available for producing disposable products from degradable materials.	16 17 18
2. Designate, pursuant to chapter 17A, materials which are degradable as defined pursuant to section 455G.1, subsection 3.	20 21 22
3. Promote the use of degradable packaging products by wholesalers and retailers at the point of sale and for transportation.	24 25 26
4. Promote the development of markets which provide degradable materials and products for use in disposable packaging products, food service containers, bags for retail purchases and trash, and personal convenience items, such as disposable lighters, razors, and diapers.	28 29 30 31 32 33
455G.22 Duties of the commission.	35
The commission, upon the recommendation of the director, shall adopt rules pursuant to chapter 17A that specify the dates contained in this division regarding the sale, use, or prohibition of specified materials. The initial dates shall be those specified in this division. However, upon recommendation of the director, the commission may adopt rules that adjust the dates in this division. In adopting these rules, the commission shall consider changes in technology, availability of products and materials, availability of alternative products and materials, and the relative cost of products and materials.	37 38 39 40 41 42 43 44 45 46 47 48
455G.23 Plastic Container Labeling.	50
1. Effective July 1, 1992, a person shall not sell or offer for sale a disposable plastic container or products in disposable plastic containers that does	52 53 54

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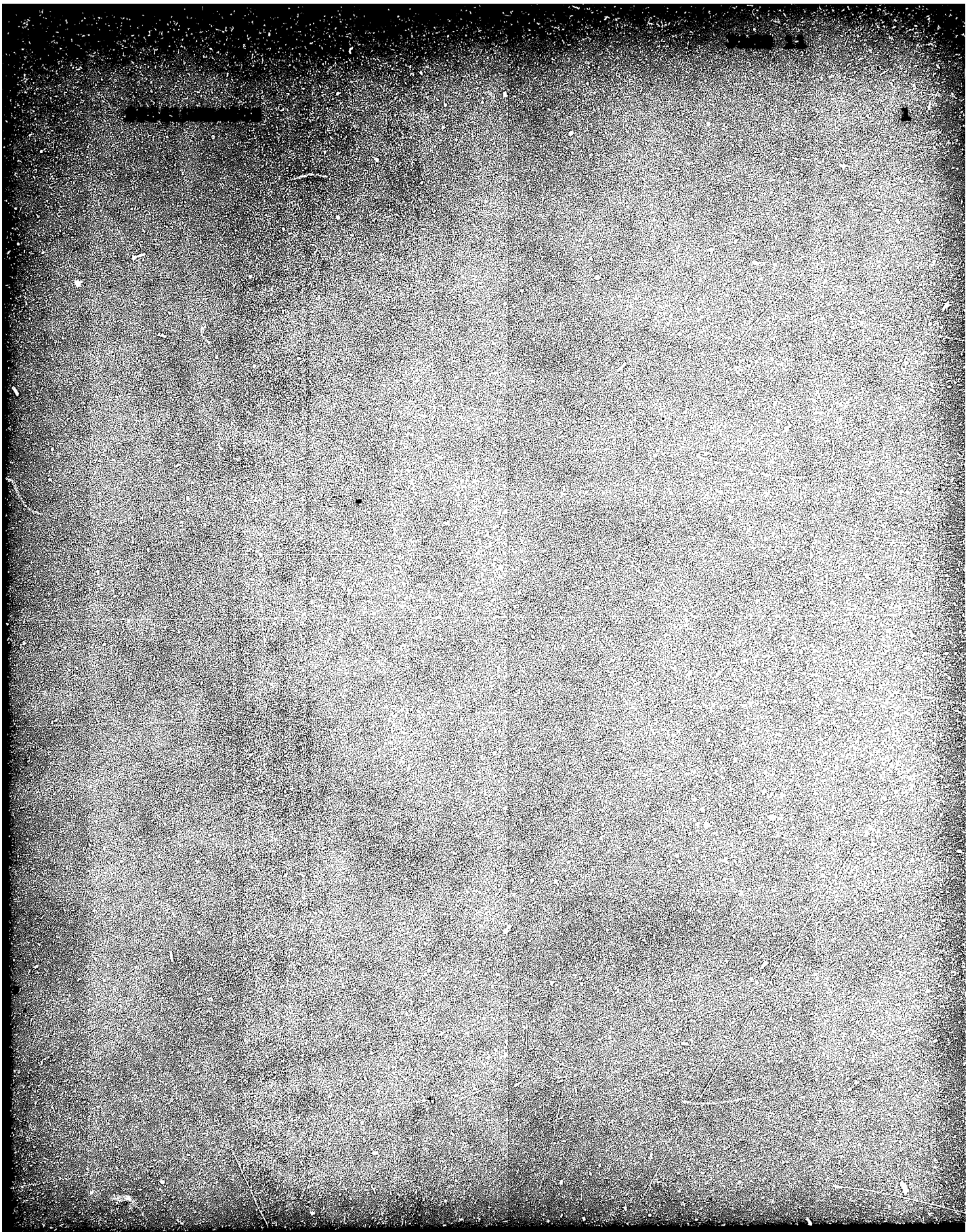
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455G.23 Plastic Container Labeling.	50
1. Effective July 1, 1992, a person shall not sell or offer for sale a disposable plastic container or products in disposable plastic containers that does	52 53 54

not comply with the labeling requirements pursuant to this section.	1 2
2. The commission shall adopt rules to establish the labeling requirements for disposable plastic containers. The label shall be designed to provide information needed by operators of material recovery programs to facilitate the recycling or reuse of plastic containers.	4 5 6 7 8 9
455G.24 Plastic Bag and Package Labeling.	11
1. Effective July 1, 1992, a person shall not sell or offer for sale a disposable plastic bag or packaging material that does not comply with the labeling requirements pursuant to this section.	13 14 15 16
2. The commission shall adopt rules to establish the labeling requirements for disposable plastic bags and packaging materials. The labeling shall be designed to inform consumers and users of the products about the degradability of the bag or packaging material.	18 19 20 21 22 23
455G.25 Nondegradable grocery bags and trash bags.	25
Effective July 1, 1991, no person shall land dispose of nondegradable plastic grocery bags or trash bags in the state.	27 28 29
455G.26 Plastic container and bag use restrictions.	31
1. Effective January 1, 1990, no city, county, township, school district, state agency, or other governmental unit shall purchase plastic foam products manufactured with chlorofluorocarbons for use as food product containers or other product containers.	34 35 36 37 38 39
2. Effective July 1, 1995, no person shall sell or use nondegradable disposable plastic film or foam containers or bags in the state.	41 42 43
SECTION 2. SECTION 422.45, SUBSECTION 19, CODE 1989, IS AMENDED TO READ AS FOLLOWS:	45 46
19. The gross receipts from the sale of property which is a <u>degradable container, label, carton, pallet, packing case, wrapping paper, twine, bag, bottle, shipping case, or other similar article or receptacle sold to retailers or retailers or manufacturers for the purpose of packaging or facilitating the transportation of tangible personal property sold at retail</u> <u>sold at retail</u>	48 49 50 51 52 53 54

or transferred in association with the maintenance or	1
repair of fabric or clothing.	2
SECTION 3. SECTION 422.45, SUBSECTIONS 19A and 19B, CODE	4
1989, ARE AMENDED BY STRIKING THE SUBSECTIONS.	5
SECTION 4. SECTION 455B.306, IS AMENDED BY ADDING A NEW	7
SUBSECTION.	8
3A. The comprehensive plan shall detail a local recy-	10
cling program which shall contain the development of a	11
collection system and some mandatory recycling by resi-	12
dents and businesses.	13
SECTION 5. SECTION 159.30, CODE 1989, IS REPEALED.	15

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RECORD COPY
File Name APM-1-1-1 EPC Meeting
Senders Initials JP
Feb. 20-21, 1989

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
February 20-21, 1989

Meeting convenes at 1:30 p.m., February 20, 1989 in the fourth floor conference room

Break Appointment (Tues, Feb. 21) Farmers Coop (Radcliffe) 9:15 A.M. 3:00 p.m.

" " " Hardin County 9:30 A.M.

Public Participation (February 21) 10:00 a.m.

Appointment - Parr Manufacturing - 10:15 A.M.

" " City of Carson 10:45 A.M.

1. Approve Agenda City of Woolstock - 11:15 A.M.

2. Approve Minutes of January 23-24, 1989.

3. Director's Report. (Wilson) Informational.

(Meeting adjourns to take up the Hazardous Waste Site License Commission meeting - EPC meeting will reconvene following this meeting)

4. Monthly Reports. (Stokes) Informational. - John Sarcone - 9 A.M. - Tues, Feb. 21

5. Grants to Public Water Suppliers. (Stokes) Decision.

6. Solid Waste Planning Grant Contracts. (Hay) Decision.

7. Midwest Low Level Radioactive Waste Commission Update. (Hay) Informational.

8. Notice of Intended Action--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties. (Combs) Decision.

9. Leopold Center Meeting Report. (Combs) Informational.

10. Groundwater Program Evaluation Report. (Combs) Informational.

11. Referrals to the Attorney General. (Combs) Decision.

(a) Farmer's Coop (Radcliffe)

(b) Parr Manufacturing (Winterset)

(c) City of Carson

(d) City of Woolstock

(e) Hardin County Sanitary Landfill Commission

12. Legislation Report. (Combs) Informational.

13. Address Items for Next Meeting

NEXT MEETING DATES

March 20-21, 1989

April 17-18, 1989

May 15-16, 1989

ENVIRONMENTAL PROTECTION COMMISSION

February 20, 1989

NAME

COMPANY OR AGENCY

CITY

(Please print)

RON RILEY

SAYLOR TOWNSHIP

DSM

PA. Pyle

Radio Iowa

DSM

Tuesday, February 21, 1989

Jeffrey Krausman Parr Mfg.

Tim BRANDT - PARK Mfg.

DAN VEST

GRONOWSKI

Jane McAllister

Ahler

DM

Robert A. Huthman

Brown Wind

PM

Cheryl Davis

WRATHS

Charlisle

Dick Bendall

Dintel.

Frank Sloan

Rumelth.

Michael W. Carr

city Council

Carson, IA

Jan Allen

"

" Am.

Kenneth J. Pelkey

City of Woodstock

Bruce Hall

City of Woodstock

ENVIRONMENTAL PROTECTION COMMISSION

February 20, 1989

NAME	COMPANY OR AGENCY	CITY
(Please print)		
JEFF NOWAKOWSKI	002-TVS	
Frank Weaver	Town Power	
Kenneth Pine	Dm Register	
JANE McALLISTER	ATLEXS LAW FIRM	DM
TOM SEERT	Assoc. Press	DM
DAN LEST	GROWMARK, INC.	Bloomington, IL
Cheryl Darr		
Marilyn Halterman	WRATHS	Carlisle, Pa
Jeri Dean	Warren residents against the hazardous sludge	
Winton Eichen	IFCA	DM, Pa
LYIE MATHIESEN	SAYLOR TWP Fire DEPT	DM, IA
George Kennerberg	Trustee Saylor	DM, Ia
Jerry Tonnerson	Township Polk Co Physical Planning	DM
Bill Mahoney	Safety Kleen	DM
EVEREN Jurczak	" "	ELGIN, IL
Stewart Ritten	ACORN	DSM
Bob Allen	" "	" "
Cathy Christensen-Couch	Iowa Dept of Inspections	DM
Francis E. Black	acorn & appeals	DM